

Remarks

Claims 1-29 are pending in this Application. Claims 12-16, 21 and 27 are withdrawn. Claims 19, 20 and 22 are allowed. Claims 9, 19 and 26 are objected to. (The Office Action Summary indicates that claims 9-11 and 26 are objected to, while the Detailed Action indicates that claims 9, 19 and 26 are objected to.) Claims 19, 20 and 22 are allowed. Claims 1-8, 17-18, 23-25 and 28-29 are rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 2,737,254 (Bagley).

Changes to the Specification

As indicated in the attached Changes to the Specification section, Applicant requests replacement of paragraph [0030] as indicated to delete the redundant phrase “a vehicle”.

Changes to the Drawings

Applicant has attached a Replacement Sheet for Sheet 4 of the drawings in which Figure 3 has been amended to change “memeber” to “member” in the box labeled 114. This change involves no new matter.

Objections to the Claims

The Examiner objects to claims 9, 19 and 26, indicating the “at the second end of the second link to the shiftable first link” should be changed to “at the second end of the second link is pivotally connected to the shiftable first link”. Claims 9 and 26 have been cancelled, with the limitations of these claims having been added to amended independent claims 1 and 23, respectively. The suggested amendment has been made to claims 1, 19 and 23. Accordingly, the objections are believed to be overcome. Additionally, all instances in the claims of the word “pivotably” have been changed to “pivotally” for consistency. This affects claims 1, 19, 21 and 23. No change in meaning is intended and no new matter is involved.

Rejections under Section 102(b)

The Examiner indicates that claim 9 is allowable if rewritten in independent form to incorporate the limitations of the rejected base claim 1. Independent claim 1 has been

amended to incorporate the limitations of former claim 9, which is now cancelled. Because claim 1 has been amended to incorporate the limitations of claim 9 which the Examiner found to be allowable, it is believed that the amendments to claim 1 overcome the rejection under Section 102(b). Claims 10-12 have been amended to depend from claim 1 instead of claim 9. Accordingly, it is believed that claims 2-8 and 10-18, all of which ultimately depend from claim 1, are allowable for at least the same reasons that claim 1 is allowable. Although claims 12-16, 21 and 27 are withdrawn as being drawn to a nonelected species, because amended claim 1 is believed to be an allowable generic claim, Applicants request reconsideration of these withdrawn claims.

With respect to claim 18, Applicants submit that Bayley does not disclose or discuss “two front hinge pillars,” nor “at least one cross member mounted with respect to the two front hinge pillars and partially defining the engine compartment,” nor “two rails mounted with respect to the at least one cross member and further partially defining the engine compartment” as recited in claim 18. Because Bayley does not disclose two frame members, it also cannot disclose a body panel assembly that is “rigidly mounted to each of at least two of the frame members so that the body panel assembly forms a portion of the frame by structurally interconnecting said at least two frame members” as recited by claim 18. For at least these reasons as well, the rejection of claim 18 is believed to be overcome.

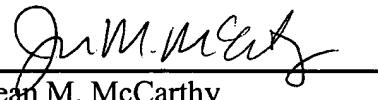
Claims 28 and 29 read only on the nonelected species and should not be rejected based upon the elected species (i.e., they should have been withdrawn along with withdrawn claim 27 from which they depend).

Conclusion

In light of the amendment to the Specification, the amendments to the claims, and the Replacement sheet, it is believed that the objections and rejections to the claims are overcome, and that claims 1-8, 10-11, 21-25 and 27-28 are in condition for allowance along with allowed claims 19-20 and 22. Additionally, it is believed that claims 1 and 23 are both allowable and generic; accordingly, withdrawn claims 12-16, 21 and 27, as amended herein, should be allowable upon reconsideration.

Respectfully submitted,

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